



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 6601-00
6 April 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application on behalf of your late ex-husband for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 April 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that your late ex-husband enlisted in the Navy on 26 March 1952 at age 18. The record reflects that he received nonjudicial punishment and was convicted by a special court-martial. His offenses included an unauthorized absence of 60 days and loitering.

On 20 July 1953 he became an unauthorized absentee. On 27 August 1953 he was convicted by civil authorities of five counts of issuing worthless checks. The court sentenced him to confinement for three months. On 1 December 1953 he pled guilty to issuing worthless checks in a different county. The court deferred sentencing until the first confinement was completed.

On 26 February 1954 a board of officers recommended that he be separated with an undesirable discharge by reason of misconduct due to civil conviction. After review by the discharge authority, the recommendation for discharge was approved and he was separated with an undesirable discharge on 11 March 1954.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as his youth and immaturity and the contention that the National Defense Service Medal (NDSM) is only awarded for honorable service. However, the Board concluded that these factors were not sufficient to warrant recharacterization of his discharge and change in reason for discharge, given the seriousness of the offenses. In this regard, the NDSM is awarded for serving on active duty during a specific period of time, not for honorable service. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director